



REPUBLIC OF KENYA



**Omondi v Republic (Miscellaneous Criminal Application
E031 of 2022) [2023] KEHC 2994 (KLR) (27 March 2023) (Ruling)**

Neutral citation: [2023] KEHC 2994 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
MISCELLANEOUS CRIMINAL APPLICATION E031 OF 2022**

**RE ABURILI, J
MARCH 27, 2023**

BETWEEN

ERICK OCHIENG OMONDI APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The Convict herein Erick Ochieng Omondi was sentenced to death on May 25, 2017 vide Kisumu HCCRC No 37 of 2011 for the offence of murder. He now petitions for resentencing.
2. This court has no jurisdiction to review his sentence as the Convict had the opportunity to appeal against sentence to the Court of Appeal. The Judge who sentenced him to death considered the mitigations and circumstances surrounding the murder of the convict's own kin.
3. I decline to interfere with discretion of the court of concurrent jurisdiction.
4. The application is dismissed.
5. File closed.
6. I so order.

Dated, Signed and Delivered at Kisumu this 27th Day of March, 2023

R. E. ABURILI

JUDGE

